

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

IN THE MATTER OF:)	Case No.: 3523
)	
DAVID W. BEAL, D.O.)	FINDINGS OF FACT,
Holder of License No. 1638)	CONCLUSIONS OF LAW
)	AND ORDER FOR DECREE OF
)	CENSURE
For the practice of osteopathic medicine in the)	
State of Arizona)	

On May 5, 2005, the AZ Board of Osteopathic Examiners (hereafter "Board") notified David W. Beal, D.O. (hereafter "Respondent") of a complaint initiated by the Board as a result of a notification from Northwest Medical Center that his obstetrical privileges were summarily suspended. The Board received the Respondent's answer to this complaint on May 23, 2005.

On November 22, 2005, the Respondent was notified that the complaint would be reviewed at the Board's December 10, 2005 and that he had the right to attend that meeting. Respondent did not appear at the meeting.

At their meeting on December 10, 2005, the Board reviewed the complaint and voted to invite Respondent to participate in an investigative hearing on the matter, scheduled for January 21, 2005, at 9535 E. Doubletree Ranch Rd., Scottsdale AZ 85258.

On January 21, 2005 the Board conducted the investigative hearing. Respondent was present and represented himself.

After hearing testimony and considering the documents submitted, the Board voted to enter the following Findings of Fact and Conclusions of Law, and Order of Censure.

JURISDICTIONAL STATEMENTS

1. The Board is empowered, pursuant to A.R.S. § 32-1800 et seq., to regulate the practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed,

1 registered, or permitted to practice osteopathic medicine in the State of Arizona.

2 2. Respondent is the holder of License No. 1638 issued by the Board for the practice
3 of osteopathic medicine in the State of Arizona.

4 **FINDINGS OF FACT**

5 1. On March 14, 2005 the Respondent was caring for patient SW, a 21-year old
6 gravida 1, para 0 female who was induced at term per the patient's request.

7 2. On the morning of March 15th, the induction began, the record indicates that late
8 decelerations occurred and at approximately 1300, the Pitocin was turned off. The patient's
9 labor was difficult and apparently she had a small pelvic outlet.

10 3. The Respondent attempted utilization of forceps and that technique failed.

11 4. The Respondent then attempted a vacuum assisted delivery with eight separate
12 contractions. A male infant was delivered, but was blue and without movement.

13 5. The baby was transferred o the newborn intensive care unit and his APGARS
14 were 2, 5 and 6. There was no respiratory effort for six to ten minutes. The bag and mask
15 resuscitation lasted for 15 minutes, followed by placing the infant on nasal continuous positive
16 airway pressure.

17 6. As subsequent physical examination by a pediatrician indicated a large
18 ecchymotic area over the posterior occipital area with crepitus under the skin and an abrasion on
19 the scalp. In addition he noted that there were forceps marks on the left side of the face, across
20 the eye and the left cheek.

21 7. The pediatrician also stated that the head was misshapen with overriding sutures
22 posteriorly and open sutures anteriorly. The pupils were nonreactive to light and in a fixed stare.
23 The eyes did not move with head movement and the baby did not respond to pain and
24 occasionally postured.

25 8. The pediatrician's assessment was severe perinatal depression with birth trauma.

1 9. The Respondents obstetrical privileges were summarily suspended on March 17,
2 2005 and the suspension was affirmed by the Hospital's Medical Executive Committee on April
3 14, 2005.

4 10. During the investigative interview it was determined that Respondent failed to
5 meet the standard of care in this matter.

6 11. Specifically, the Respondent failed to recognize the deviation of labor and that an
7 operative vaginal delivery utilizing two modalities would significantly increase the risk of fetal
8 injury, which appeared to have occurred.

9 12. The prevailing standard of care indicates that utilizing two modalities for a
10 vaginal delivery is inappropriate care when the delivery required operative intervention.

11 CONCLUSIONS OF LAW

12 1. The conduct described in Findings of Fact 1 through 12 herein constitutes
13 unprofessional conduct as defined at A.R.S. § 32-1854 (6), which states, "Engaging in the
14 practice of medicine in a manner that harms or may harm a patient or that the Board determines
15 falls below the community standard."

16 2. The conduct described in Findings of Fact 1 through 12 herein constitutes
17 unprofessional conduct as defined at A.R.S. § 32-1854 (38), which states, "Any conduct or
18 practice that endangers a patient's or the public's health or may reasonably be expected to do
19 so."

20 ORDER

21 Pursuant to the authority vested in the Board,

22 1. **IT IS HEREBY ORDERED** that David W. Beal, Holder of osteopathic medical
23 License number 1638, is issued a DECREE OF CENSURE pursuant to the provisions of A.R.S.
24 § 32-1855 (E)(4).
25

2. **IT IS FURTHER ORDERED** that David W. Beal, Holder of osteopathic medical License number 1638 be placed on PROBATION for a Period of five years with the following terms:

A. He shall be restricted from performing obstetrics until such time as he requests and the Board approves his request to resume practicing in this area. Said restriction shall remain in force and effect for the effective period of probation or until such time as the board lifts the probation.

ISSUED THIS 8th DAY OF FEBRUARY 2006.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS



By:

~~Jack Confer, Executive Director~~

NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING

You have the right to request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.09. The request for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners within thirty (30) days. If you request a review or rehearing, you must base your request on at least one of the eight grounds for review or rehearing that are allowed under A.A.C. R4-22-106(D). Failure to file a motion for rehearing or review within 30 days has the effect of prohibiting you from seeking judicial review of the Board's decision in the AZ Courts.

Original "Findings of Fact, Conclusions
of Law and Order for Decree of Censure"
filed this 8th day of February, 2006 with the:

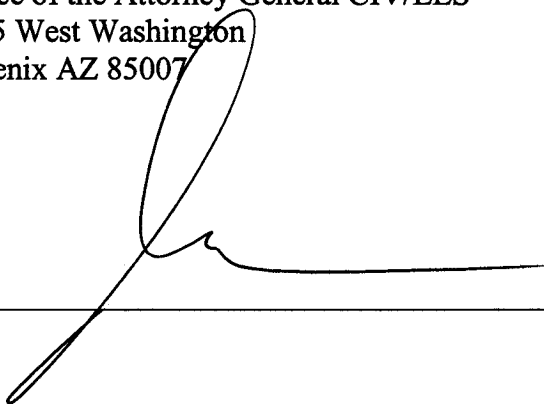
**Arizona Board of Osteopathic Examiners
In Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale AZ 85258-5539**

1 Copy of the foregoing "Findings of Fact,
2 Conclusions of Law and Order for Decree
3 of Censure" send by certified mail, return
receipt requested this 8th day of February, 2006 to:

4 David W. Beal, D.O.
5 334 West 10th Place, Suite, #100
Tucson, AZ 85704

6 Copies of the foregoing "Findings of Fact,
7 Conclusions of Law and Order for Decree
8 of Censure" sent via regular mail this 8th
day of February, 2006 to:

9 Blair Driggs, AAG
10 Office of the Attorney General CIV/LES
11 1275 West Washington
12 Phoenix AZ 85007

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